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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JOHN FRANCKI, et al.)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 3:06-cv-0265-LRH-VPC
)	
UNITED STATES, et al.,)	
)	
Defendants.)	
)	

**UNITED STATES' UNOPPOSED MOTION TO EXTEND TIME TO FILE REPLY IN
 SUPPORT OF MOTION TO DISMISS AND TO EXCEED REPLY PAGE LIMIT
 (FIRST REQUEST)**

Pursuant to LR 6-1, the United States respectfully requests that the time for the United States to file a reply in support of its Motion to Dismiss be extended through May 11, 2007 and that United States be allowed to file a reply longer than the normal twenty page limit allowed under LR 7-4.

On March 19, 2007, the United States filed its Motion to Dismiss (Docket #63.) Plaintiffs and Co-Defendants requested and were granted a two week extension of time to respond to the

1 Motion to Dismiss (Docket #66 and 69). Plaintiffs and Co-
2 Defendants then filed the following responses:

- 3 1. Defendant Hologic, Inc.'s Opposition to Defendant
4 United States' Motion to Dismiss filed on April
17, 2007 (Docket #70);
- 5 2. Plaintiffs' Opposition to Defendant United States'
6 Motion to Dismiss filed on April 19, 2007 (Docket
#72);
- 7 3. Opposition of Defendant Radiation Detection
8 Company to Defendant United States' Motion to
9 Dismiss and Joinder in the Oppositions of
10 Plaintiffs Francki, et al., and Hologic, Inc., to
11 Motion to Dismiss of Defendant United States filed
12 on April 20, 2007 (Docket #74); and
- 13 4. Defendant Hologic, Inc.'s Addendum to Its
14 Opposition to Defendant United States' Motion to
15 Dismiss filed on April 20, 2007 (Docket #75-1).

16 Based on the dates of service, the United States' replies to
17 the above filings are currently due on May 1, 2007; May 3, 2007;
18 and May 4, 2007, respectively. Rather than filing separate
19 replies to each of these responses, the United States plans to
20 file a single reply. The United States needs additional time to
21 do so, however, and requests that the deadline for filing its
22 reply be extended through May 11, 2007.

23 The reasons for the extension include the fact that counsel
24 for the United States is currently working to supplement the
25 administrative record in an Administrative Procedures Act case,
26 *Pyramid Lake Paiute Tribe of Indians v. Bureau of Land
Management, et al.*, 2:06-cv-1293-LDG-LRL and is preparing for the
June 4th trial in that same case. The Plaintiff in this case has
filed an emergency motion for stay pending appeal of the Court's

1 injunction order. The Ninth Circuit Court of Appeals has ordered
2 the United States to respond by April 30, 2007. Counsel is also
3 heavily involved in the management of the United States
4 Attorney's Office as Acting Administrative Officer and Civil
5 Division Chief and under current staffing conditions counsel
6 spends at least 75 percent of normal work hours dealing with
7 administrative tasks. In addition, counsel for the United States
8 will be out of the office on May 3, 2007 for the United States
9 District Court for the District of Nevada's Annual Conference,
10 and on May 4, 2007 attending his son's college graduation.

11 The United States also requests that this Court authorize
12 the United States permission to file a reply brief in excess of
13 twenty pages. Based on the number of arguments raised by the
14 parties in their responses, the United States anticipates its
15 reply brief will exceed the LR 7-4 twenty page limit. The United
16 States will submit a table of contents and authorities with its
17 reply.

18 This motion is not submitted merely for the purpose of delay
19 or for any other improper reason.

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1 Counsel for the United States has conferred with opposing
2 counsel about the requested extension of time and page limit.
3 They do not oppose these requests.

4 DATED this 26th day of April, 2007.

5 STEVEN W. MYHRE
6 Acting United States Attorney

7 /s/ Blaine T. Welsh
8 BLAINE T. WELSH
Assistant United States Attorney

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11 IT IS SO ORDERED

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14 LARRY R. HICKS
15 UNITED STATES DISTRICT JUDGE

16 DATED: May 1, 2007.
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